

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FAYTON HOLLINGTON,

Plaintiff,

ORDER

-against-

CV 11-3799 (JFB)(ETB)

BROOKWOOD AT RIDGE APARTMENTS,  
RIDGHAVEN LLC, BROOKWOOD  
MANAGEMENT COMPANY, HARVEY  
AUERBACH, NANCY AUERBACH, STEVEN  
AUERBACH, MICHAEL BARONE, PATRICIA  
ASTI, JEAN WALTER, LISA LEMP,  
ANTWANNETTE STEWARD, and JOHN  
STEWARD,

Defendants.  
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By letter motion dated June 11, 2013, the Brookwood defendants seek to compel certain relief from the plaintiff and from the Steward defendants. The plaintiff has submitted a response; the Steward defendants have not. The defendant Barone joins in the motion of the Brookwood defendants.

- (1) As to Brookwood's request for more adequate itemization with respect to plaintiff's damages, since most are non-economic and discovery is still ongoing, this request is denied without prejudice to renewal following completion of the plaintiff's deposition.
- (2) The request to compel the parties to enter into the confidentiality order draft circulated by the Brookwood defendants is denied without prejudice to renewal following a good faith effort to resolve this issue as mandated under Local Civil Rule 37.3(a).
- (3) The demand for medical authorizations by plaintiff in order to receive medical records directly is denied without prejudice to renewal upon receipt of the records that

plaintiff's counsel is in the process of securing from plaintiff's malpractice counsel, and compliance with Local Civil Rule 37.3(a).

(4) Conflicting deposition schedules shall be revised as required among counsel as a result of their good faiths efforts required by Local Civil Rule 37.3(a).

(5) Without any opposition, the Stewart defendants shall comply with the Brookwood defendants' and Barone's outstanding document requests and interrogatory demands within ten (10) days.

Lastly, discovery is extended for sixty (60) days – to September 30, 2013. The joint pre-trial order shall be filed on October 21, 2013; the final conference is re-scheduled to November 13, 2013 at 11:00 a.m. by telephone. Plaintiff's counsel is directed to initiate the call and have all parties on the line before connecting the Court (631-712-5710). The call should be placed through the teleconference operator provided by your long distance service. All counsel must participate.

The oral argument scheduled for June 21, 2013 is canceled in view of this Order.

**SO ORDERED:**

Dated: Central Islip, New York  
June 20, 2013

/s/ E. Thomas Boyle  
E. THOMAS BOYLE  
United States Magistrate Judge